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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

Case No.: CR 10-70942 PSG

11 Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

12 v.

13 WILLIAM CONNERS,

Honorable Paul S. Grewal

14 Defendant .
15 _____/

16 Defendant William Connors and the government, through their respective counsel, hereby
17 stipulate that, subject to the Court's approval, the hearing in the above-captioned matter, presently
18 scheduled for Thursday, December 15, 2011, at 9:30 a.m., be continued to Thursday, January 26,
19 2012, at 9:30 a.m. Mr. Connors is presently at FCI-Butner to determine whether he can be restored
20 to competence. Defense counsel has been informed by Butner staff that their evaluation is complete,
21 but their report will not be available until December 19. In their view, Mr. Connors is competent
22 when properly medicated, and Butner staff recommended continuing Mr. Connors' appearance until
23 after the holidays to ensure that he would be transported quickly without unnecessary interruptions in
24 his medication regimen. Additionally, based on the advice of Butner staff, once the report is
25 available, the defense will request a court order that Mr. Connors receive his prescribed medications
26

STIP. TO CONTINUE;
[PROPOSED] ORDER
No. CR 10-70942 PSG

1 while in transit.

2 Mr. Connors is presently charged by complaint with one felony count of assault on a federal
3 employee. Because he has not yet been charged by information or indictment due to the earlier
4 finding of incompetence, the parties further agree and stipulate that time for preliminary hearing
5 provided by Fed. R. Crim. Proc. 5.1(c) should be tolled until February 2, 2011. In the event that the
6 Court determines that Mr. Connors has been restored to competence, the 14-day clock will begin to
7 run at that time. Accordingly, Mr. Connors and the government agree that granting the requested
8 exclusion of time will serve the interest of justice and the ends of justice.

9 Dated: 12/9/11

/s/
LARA S. VINNARD
Assistant Federal Public Defender

11 Dated: 12/9/11

/s/
TOM O'CONNELL
Assistant United States Attorney

14 [~~XXXXXXXXXX~~] **ORDER**

15 The parties have jointly requested a continuance of the hearing set for Thursday, December
16 15, 2011, because Mr. Connors is presently at FCI-Butner undergoing treatment for restoration of
17 competency. According to defense counsel, Butner staff have recommended that this hearing should
18 be continued so that Mr. Connors may be transported after the holidays with minimal delays and to
19 facilitate continuity in his medication regimen.

20 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently
21 set for Thursday, December 15, 2011, at 9:30 a.m., be continued to Thursday, February 2, 2012 at
22 9:30 a.m., and further ordered that the time for preliminary hearing provided by Fed. R. Crim. P.
23 5.1(c) should be tolled until February 2, 2012. In the event that the Court determines that Mr.
24 Connors has been restored to competence, the 14-day clock shall commence to run at that time.

1 IT IS SO ORDERED.

2
3 Dated: F gego dgt"; ."4233"


PAUL S. GREWAL
United States Magistrate Judge